

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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KEITH MANNING SHORT,

Petitioner,

v.

AARON FORD,

Respondent.

Case No. 2:21-cv-01381-RFB-EJY

ORDER

This closed habeas matter is before the Court on Petitioner Keith Manning Short's Motion to Reopen this Case ("Motion") and Complaint and Request for Injunction under 28 U.S.C. § 1331 ("Complaint"). Respondents opposed the motion. Short did not file a reply, and his time to do so has now expired. For the reasons discussed below, the Court denies the Motion and dismisses the Complaint without prejudice.

I. Procedural History¹

On December 19, 2019, the state court entered a Judgment of Conviction, convicting Short of two counts of burglary and one count of attempted grand larceny. State v. Keith Manning Short, CR19-0779. Short was sentenced to an aggregate term of 3 years and 8 months to 15 years. Short appealed, and the Nevada Supreme Court affirmed on November 13, 2020.

Short filed a federal habeas petition ("Petition") in this action on July 23, 2021. The Court

¹ The Court takes judicial notice of the online docket records of the Second Judicial District Court and Nevada appellate courts: <https://www.washoecourts.com/Query/DetailedCaseSearch> and <http://caseinfo.nvsupremecourt.us/public/caseSearch.do>.

1 instructed Short to show cause why this action should not be dismissed based on his failure to
2 exhaust his state court remedies. Short filed a response. Finding Short's response unavailing, the
3 Court dismissed the Petition without prejudice on April 6, 2022, stating that it "makes no
4 statements whether a new habeas corpus action would be subject to procedural defenses."
5 Judgment was entered.

6 Short filed a state habeas petition on July 21, 2022. The state court denied Short post-
7 conviction relief on December 16, 2022. Short appealed, and the Nevada Court of Appeals
8 affirmed on June 13, 2023, finding that Short's state habeas petition was untimely.

9 Short now moves to reopen this matter and reinstate his federal habeas petition. Short is
10 currently on parole.

11 12 **II. Discussion**

13 Because the Court informed Short that he would need to file a new habeas corpus action
14 following the exhaustion of his state court remedies (rather than staying this matter pending the
15 completion of Short's state court remedies), Short should have filed a new petition in a new case
16 rather than seeking to reopen this matter. Further, this Court has already dismissed the Petition
17 without prejudice as wholly unexhausted, and the Court finds no reason to reconsider that
18 determination from over three years ago. See Fed. R. Civ. Pro. 60(b). As such, given that there is
19 no petition currently pending, there is no basis to reopen this matter. Indeed, rather than filing an
20 amended petition in conjunction with his Motion, Short filed a Complaint, seeking "compensatory
21 damages of two million dollars and one million one hundred thousand dollars of punitive
22 damages." Short may not file such a Complaint in this closed habeas matter. Given these
23 circumstances, the Court (1) denies the Motion and (2) dismisses the Complaint without prejudice
24 to its filing in a **new non-habeas action**. If Short wishes to pursue federal habeas relief, he needs
25 to open **a new habeas case** by paying the filing fee (or filing an in forma pauperis application) and
26 filing a new petition.²

27
28 ² The Court makes no statements whether a new federal habeas corpus action would be
subject to procedural defenses, and Short remains responsible for calculating his federal statute of
limitations.

1 **III. Conclusion**

2 **IT IS THEREFORE ORDERED** that the Motion to Reopen [ECF No. 13] is **DENIED**.

3 **IT IS FURTHER ORDERED** that the Complaint [ECF No. 14] **IS DISMISSED**
4 **WITHOUT PREJUDICE.**

5 **IT IS FURTHER ORDERED** that, to the extent necessary, a Certificate of Appealability
6 is denied.

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9 **DATED:** April 29, 2025

A handwritten signature in black ink, appearing to be 'RFB', written over a horizontal line.

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11 **RICHARD F. BOULWARE, II**
12 **UNITED STATES DISTRICT JUDGE**
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